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March 7, 2017

Hon. David N. Hurd, U.S. District Judge
Alexander Pirnie Federal Bldg. and U.S. Courthouse
10 Broad Street
Utica, NY 13501

Via ECF

RE: 1:16-cv-01447-DNH-CFH, *Avitabile, et al. v. Cuomo, et al.*

Dear Judge Hurd:

On February 13, 2017, Defendants George Beach, Andrew M. Cuomo and Eric Schneiderman filed their Partial Motion to Dismiss as to Defendants Andrew M. Cuomo and Eric Schneiderman and as to Plaintiffs Firearms Policy Coalition (“FPC”) and Firearms Policy Foundation (“FPF”).

In *Knife Rights, Inc. v. Vance*, the Second Circuit restated that “[i]t is the law of this Circuit that an organization does not have standing to assert the rights of its members in a case brought under 42 U.S.C. § 1983.” *Knife Rights, Inc. v. Vance*, 802 F.3d 377, 387 (2d Cir. 2015) (*quoting Nnebe v. Daus*, 644 F.3d 147, 156 (2d Cir.2011) (collecting cases)). As such, in order to streamline the litigation and conserve judicial resources, Plaintiffs FPF and FPC consent to their dismissal from the case.

If the Court needs any additional information, please do not hesitate to contact us.

Yours very truly,



STEPHEN D. STAMBOULIEH

cc: All counsel of record (ECF)